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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,169	06/26/2001	Simon Tsang	219.39511X00	1367
7590 STEVE YATES C/O BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025			EXAMINER CHANKONG, DOHM	ART UNIT 2152
SHORTENED STATUTORY PERIOD OF RESPONSE 3 MONTHS		MAIL DATE 12/19/2006	DELIVERY MODE PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/891,169	TSANG ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Dohm Chankong	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 16 October 2006.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

1. This action is in response to Applicant's arguments filed 10.16.2006. No claims are amended or added. Claims 1-9, 11-13 and 15-16 are presented for further examination.
2. This is a final rejection.

### *Response to Arguments*

3. Applicant seems to argue that McCollum and Smart do not teach a CMI/DMI provider that is to: (1) receive events from a service provider, (2) receive interrupts from a proxy CIMOM and (3) receive information from both the proxy CIMOM and service provider. The Office disagrees with Applicant's interpretation of the references.

McCollum's CIMOM 64 is interpreted as Applicant's CIM/DIM provider. McCollum's proxy 68 is interpreted as Applicant's proxy CIMOM. And McCollum's provider 66 is interpreted as Applicant's DMI service provider [column 5 «lines 65-67»]. McCollum discloses that the CIMOM receives information from both the proxy and the DMI service provider [column 5 «lines 38-41» | column 5 «lines 65» to column 6 «line 2» : clients send requests through the CIMOM and responses from the DMI provider are returned THROUGH the CIMOM]. The requested data returned from the DMI provider through the CIMOM back to the proxy is interpreted as events. In addition, McCollum expressly discloses events being sent to the CIMOM [Figure 9].

Applicant argues that McCollum merely discloses translation from CIM to DMI and not the other way around. This interpretation is clearly contradictory to McCollum's goals

for his invention. McCollum discloses that the CIMOM: "is intelligent in that it can decompose queries into requests from multiple providers and synthesize the results into a single response, filter excess information, work with the capabilities of the providers, and so forth" [column 1 «lines 43-47»]. With respect to communications between the clients and the CIMOM, "[a]t least part of the communication is preferably via COM (Component Object Model) and/or DCOM (Distributed Component Object Model)" [column 5 «lines 8-10»] as well as a wide variety of other protocols such as "XML/CIM over HTTP, DCOM, XML/CIM and HTTP" [column 5 «lines 13-16»]. In contrast, with respect to communications between the CIMOM and the providers, the communications relies upon "vendor or protocol-specific mechanisms such as DMI, SNMP, CMIP or a proprietary mechanism, and return the data to the requesting the CIMOM" [column 5 «lines 65-67»].

In other words, data flows bidirectionally through the CIMOM, both from the client proxy and the DMI providers. In addition, since each rely on different communications, it can be reasonably inferred that translation occurs bidirectionally as well between the proxy and the DMI provider. Therefore McCollum substantially discloses the invention as claimed. Applicant's arguments with respect to McCollum are not persuasive.

4. With respect to Smart, Applicant argues Smart does not disclose translating the information from DMI to CIM and vice versa. However Smart clearly discloses that there is a SmartCIM to DMI mapper AND a SmartDMI to CIM mapper [page 1]. Therefore, there are clearly two kinds of mappers, one to perform "unit translation" [pg. 2] on information flowing from both DMI and CIM applications where each is the intended recipient. Thus

Smart clearly discloses the claimed limitation of translating information into a format suitable for an intended recipient, the intended recipient being a CIM client application and DMI component instrumentation.

With respect to Applicants arguments concerning interrupts, it is acknowledged that Smart does not expressly disclose interrupts. However, such a feature is obvious to one of ordinary skill in the art. Muhlstein discloses translating (or wrapping) generated exceptions (as well as events, calls) between DMI instrumentation and CMI applications [0013, 0053-0057, 0062 where : an exception is interrupted as an interrupt]. Smart discloses that all mapping all information passing between the CMI and DMI applications; Muhlstein discloses that such information includes events and interrupts. Therefore it would have been obvious to one of ordinary skill in the art to reasonably infer that Smart's mapping included events and interrupts between the applications.

5. For the foregoing reasons, Applicant's arguments are not persuasive. The claim rejections under McCollum and Smart are therefore maintained.

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action, see previous action, filed 7.20.2006.

6. Claims 1-16 are rejected under 35 U.S.C § 103(a) as being unpatentable over McCollum, U.S Patent No. 6,427,168, in view of "SmartCIM™ to DMI Mapper" ["Smart"].

7. As to claims 1-16, see previous Office actions.

8. Claims 1-9, 11-13, 15 and 16 are rejected under 35 U.S.C § 103(a) as being unpatentable over Smart, in view of Muhlstein et al, U.S Patent Publication No. 2002/0004815 ["Muhlstein"].

9. As to claims 1-9, 11-13, 15 and 16, see previous actions.

#### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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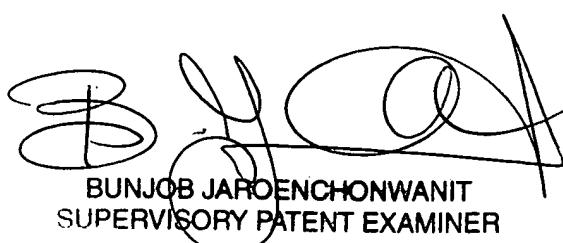
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942. The examiner can normally be reached on Tuesday-Friday [7:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DC



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SUPERVISORY PATENT EXAMINER